

A BILL TO BE ENTITLED

AN ACT

relating to requirements to vote, including presenting proof of identification; providing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION XX. Section 1.005, Election Code, is amended by adding Subdivision (25) to read as follows:

(25) "Early voting ballot board" means the early voting and provisional voting ballot board. (HARTNETT)

SECTION 1. Section 13.002, Election Code, is amended by adding Subsection (i) to read as follows:

(i) An applicant who wishes to receive an exemption from the requirements of Section 63.001(b) on the basis of disability must include with the person's application:

(1) written documentation:

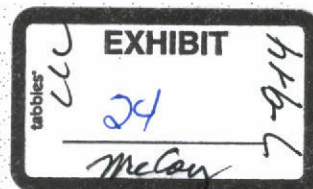
(A) from the United States Social Security Administration evidencing the applicant has been determined to have a disability; or

(B) from the United States Department of Veterans Affairs evidencing the applicant has a disability rating of at least 50 percent; and

(2) a statement in a form prescribed by the secretary of state that the applicant does not have a form of identification acceptable under Section 63.0101.

SECTION 2. Section 15.001, Election Code, is amended by adding Subsection (c) to read as follows:

(c) A certificate issued to a voter who meets the certification requirements of Section 13.002(1) must contain an



C.S.S.B. No. 14  
indication that the voter is exempt from the requirement to present  
identification other than the registration certificate before being  
accepted for voting.

SECTION 3. Effective September 1, 2011, Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a) The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 4. Section 15.022(a), Election Code, is amended to read as follows:

(a) The registrar shall make the appropriate corrections in the registration records, including, if necessary, deleting a voter's name from the suspense list:

(1) after receipt of a notice of a change in registration information under Section 15.021;

(2) after receipt of a voter's reply to a notice of investigation given under Section 16.033;

(3) after receipt of a registration omissions list and any affidavits executed under Section 63.006 ~~[63.007]~~, following an



C.S.S.B. No. 14

election;

(4) after receipt of a voter's statement of residence executed under Section 63.0011;

(5) before the effective date of the abolishment of a county election precinct or a change in its boundary;

(6) after receipt of United States Postal Service information indicating an address reclassification;

(7) after receipt of a voter's response under Section 15.053; or

(8) after receipt of a registration application or change of address under Chapter 20.

SECTION 5. Effective September 1, 2011, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website in each language in which voter registration materials are available. The secretary of state shall prescribe the wording of the notice to be included on the websites.

(b) The secretary of state shall conduct a statewide effort to educate voters regarding the identification requirements for voting prescribed by Chapter 63. The statewide effort shall include education targeted at low-income and minority voters. (B. MILES)

C.S.S.B. No. 14

(c) The county clerk of each county shall post in a prominent location at the clerk's office a physical copy of the notice prescribed under Subsection (a) in each language in which voter registration materials are available.

SECTION 6. Effective September 1, 2011, Section 32.11, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The training standards adopted under Subsection (a) must include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 7. Effective September 1, 2011, Section 32.114(a), Election Code, is amended to read as follows:

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION 8. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE

C.S.S.B. No. 14  
POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of identification. The list must be printed using a font that is at least 24-point. The notice required under this section must be posted separately from any other notice required by state or federal law.

SECTION 9. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsections (g), (h) and (i) to read as follows:

(b) Except as provided by Subsection (h) or (i), on ~~an~~ offering to vote, a voter must present to an election officer at the polling place one form of identification described by Section 63.0101 ~~the voter's voter registration certificate to an election officer at the polling place~~.

(c) On presentation of the documentation required under Subsection (b) ~~a registration certificate~~, an election officer shall determine whether the voter's name on the documentation ~~registration certificate~~ is on the list of registered voters for the precinct. If in making a determination under this subsection the election officer determines that the voter's name on the documentation is substantially similar to but does not match exactly with the name on the list under standards adopted by the secretary of state (HOCHBERG), the voter shall be accepted for voting under Subsection (d) if the voter submits an affidavit stating that the voter is the person on the list of registered

C.S.S.B. No. 14

voters.

(d) If, as determined under Subsection (c), the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting.

(f) After determining whether to accept a voter, an election officer shall return the voter's documentation [registration certificate] to the voter.

(g) If the requirements for identification prescribed by Subsection (b) are not met, the voter may be accepted for provisional voting only under Section 63.011. For a voter who is not accepted for voting under this section, an election officer shall:

(1) inform the voter of the voter's right to cast a provisional ballot under Section 63.011; and

(2) provide the voter with written information, in a form prescribed by the secretary of state, that:

(A) lists the requirements for identification;

(B) states the procedure for presenting identification under Section 65.0541;

(C) includes a map showing the location where identification must be presented; and

(D) ~~includes notice that even if all procedures are followed, there is no guarantee that the voter's provisional ballot will be accepted.~~ includes notice that if all procedures are



C.S.S.B. No. 14  
followed and the voter is found to be eligible to vote in the  
election, the voter's provisional ballot will be counted. (Y DAVIS)

(h) The requirements for identification prescribed by  
Subsection (b) do not apply to a voter who presents the voter's  
voter registration certificate on offering to vote and:

(1) was 70 years of age or older on January 1, 2012, as  
indicated by the date of birth on the voter's voter registration  
certificate; or

(2) (CONSERVATIVE R/S) is disabled and the voter's voter  
registration certificate contains the indication described by  
Section 15.001(c); or

(3) executes an affidavit under penalty of perjury that  
asserts the voter does not have identification meeting the  
requirements of Subsection (b) as a result of a natural disaster  
declared by the president of the United States or the Governor  
(EILAND).

(i) A voter who would otherwise be accepted for voting  
under this chapter but for the requirements of Subsection (b) shall  
be accepted for voting if, instead of presenting the identification  
required by Subsection (b), the voter executes an affidavit under  
penalty of perjury that asserts that the voter's proof of  
identification meeting the requirements of Subsection (b) has been  
stolen and the voter presents to an election officer a copy of an  
official police report, dated not earlier than the 45th day before

C.S.S.B. No. 14  
the date on which the voter seeks to vote, alleging that the voter  
was a victim of an offense described by Section 32.51, Penal Code.  
The voter may redact personal information on the report relating to  
the voter, other than the voter's name, address, or date of birth.  
A report presented under this section is not required to contain  
the voter's date of birth. (GIDDINGS/BONNEN)

SECTION 10. Section 63.0011(a), Election Code, is amended to read as follows:

(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county. If the voter's address is omitted from the precinct list under Section 18.005(c), the officer shall ask the voter if the voter's residence, if ~~as~~ listed, on identification presented by the voter under Section 63.001(b) ~~[the voter's voter registration certificate]~~ is current and whether the voter has changed residence within the county.

SECTION 11. Effective September 1, 2011, Chapter 63, Election Code, is amended by adding Section 63.0012 to read as follows:

Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN VOTERS. (a) An election officer shall distribute written notice of the identification that will be required for voting beginning with elections held after January 1, 2012, and information on obtaining identification without a fee under Section 521.422, Transportation Code, to each voter who, when offering to



C.S.S.B. No. 14  
vote, presents a form of identification that will not be sufficient  
for acceptance as a voter under this chapter beginning with those  
elections.

(b) The secretary of state shall prescribe the wording of the  
notice and establish guidelines for distributing the notice.

(c) This section expires September 1, 2017.

SECTION 12. Section 63.006, Election Code, is amended to read  
as follows:

Sec. 63.006. VOTER WITH REQUIRED DOCUMENTATION ~~[CORRECT~~  
~~CERTIFICATE]~~ WHO IS NOT ON LIST. (a) A voter who, when offering  
to vote, presents the documentation required under Section  
63.001(b) ~~[a voter registration certificate indicating that the~~  
~~voter is currently registered in the precinct in which the voter is~~  
~~offering to vote,]~~ but whose name is not on the precinct list of  
registered voters~~[-]~~ shall be accepted for voting if the voter also  
presents a voter registration certificate indicating that the voter  
is currently registered:

(1) in the precinct in which the voter is offering to  
vote; or

(2) in a different precinct in the same county as the  
precinct in which the voter is offering to vote and the voter  
executes an affidavit stating that the voter:

(A) is a resident of the precinct in which the  
voter is offering to vote or is otherwise entitled by law to vote  
in that precinct;

C.S.S.B. No. 14

(H) was a resident of the precinct in which the voter is offering to vote at the time the information on the voter's residence address was last provided to the voter registrar;

(C) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(D) is voting only once in the election.

(b) After the voter is accepted, an election officer shall:

(1) indicate beside the voter's name on the poll list that the voter was accepted under this section; and

(2) enter the voter's name on the registration omissions list.

SECTION 13. Section 63.009, Election Code, is amended to read as follows:

Sec. 63.009. VOTER WITHOUT CERTIFICATE WHO IS NOT ON LIST. A (a) ~~Except as provided by Subsection (b), a~~ voter who does not present a voter registration certificate when offering to vote, and whose name is not on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for provisional voting if the voter executes an affidavit in accordance with Section 63.011.

~~[(b) IF an election officer can determine from the voter registrar that the person is a registered voter of the county and the person presents proof of identification, the affidavits required by Sections 63.007 and 63.008 are substituted for the~~

C.S.S.B. No. 14  
~~affidavit required by Section 63.01 in complying with that~~  
~~section. After the voter is accepted under this subsection, an~~  
~~election officer shall also indicate beside the voter's name on the~~  
~~poll list that the voter was accepted under this section.~~

SECTION 14. Section 63.0101, Election Code, is amended to  
read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The  
following documentation is an acceptable form ~~(as proof)~~ of photo  
identification under this chapter:

(1) a driver's license or personal identification card  
issued to the person by the Department of Public Safety that has  
not ~~(or a similar document issued to the person by an agency of~~  
~~another state, regardless of whether the license or card has)~~  
expired or that expired no earlier than 60 days before the date of  
presentation;

(2) a United States military identification card that  
contains the person's photograph that has not expired or that  
expired no earlier than 60 days before the date of presentation  
~~form of identification containing the person's photograph that~~  
~~establishes the person's identity];~~

(3) a ~~(birth certificate or other document confirming~~  
~~birth that is admissible in a court of law and establishes the~~  
~~person's identity;~~

~~[44]~~ United States citizenship certificate ~~(papers)~~  
issued to the person that contains the person's photograph;



C.S.S.B. No. 14

(4) ~~[(5)]~~ a United States passport issued to the person that has not expired or that expired no earlier than 60 days before the date of presentation; or

(5) a license to carry a concealed handgun issued to the person by the Department of Public Safety that has not expired or that expired no earlier than 60 days before the date of presentation; or

(6) an identification card that contains the person's photograph and is issued or approved by this state (ALONZO).

(6) a valid identification card that contains the person's photograph and is issued by a tribal organization. (N GONZALEZ)

~~[(6) official mail addressed to the person by name from a governmental entity;~~

~~[(7) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or~~

~~[(8) any other form of identification prescribed by the secretary of state].~~

SECTION 15. Section 63.001, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) and (f) to read as follows:

(a) A person to whom Section 63.001(g) ~~[(63.009(b))]~~ or 63.009 ~~[(63.009(a))]~~ applies may cast a provisional ballot if the person executes an affidavit stating that the person:

C.S.S.B. No. 14

(1) is a registered voter in the precinct in which the person seeks to vote; and

(2) is eligible to vote in the election.

(b) A form for an affidavit required by this section must ~~shall~~ be printed on an envelope in which the provisional ballot voted by the person may be placed and must include:

(1) a space for entering the identification number of the provisional ballot voted by the person; and

(2) a space for an election officer to indicate whether the person presented a form of identification described by Section 63.0101.

(b-1) The affidavit form may include space for disclosure of any necessary information to enable the person to register to vote under Chapter 13. The secretary of state shall prescribe the form of the affidavit under this section.

(f) In addition to the affidavit required by this section, a person who casts a provisional ballot under this section and is described by Section 65.054 (b)(2)(B) may execute an affidavit under that section at the polling place. Forms for affidavits under Section 65.054(b)(2)(B) must be available at each polling place. (V GONZALEZ).

SECTION 16. Section 64.012(b), Election Code, is amended to read as follows:

(b) An offense under this section is a felony of the second ~~third~~ degree unless the person is convicted of an attempt. In

C.S.S.B. No. 14  
that case, the offense is a state jail felony [~~Class A misdemeanor~~].

SECTION 17. Section 65.054, Election Code, is amended by amending Subsections (a) and (b) and adding Subsection (c) to read as follows:

(a) The early voting and provisional voting ballot board shall examine each affidavit executed under Section 63.011 and determine whether to accept the provisional ballot of the voter who executed the affidavit. (HARTNETT)

(b) A provisional ballot shall [~~may~~] be accepted [~~only~~] if the board determines that:

(1) [~~if~~] from the information in the affidavit or contained in public records, the person is eligible to vote in the election and has not previously voted in that election; and

(2) the person:

(A) meets the identification requirements of Section 63.001(b) at the time the ballot was cast or in the period prescribed under Section 65.054 - - or presents a temporary license issued by the Department of Public Safety that contains the voter's photogram in the period prescribed under Section 65.0541 (LUCIO 11); or

(B) executes an affidavit under penalty of perjury stating that:

(1) the voter:

(a) is indigent and is unable to obtain



C.S.S.B. No. 14  
proof of identification without the payment of a fee; or

(b) has a religious objection to being  
photographed; and

(11) the voter has not been challenged and  
voted a provisional ballot solely because the voter did not meet  
the requirements for identification prescribed by Section  
63.001(b).

(e) In this section, "indigent" has the meaning assigned by  
Section 51.941(e), Government Code.

SECTION 17 Section 65.054(b), Election Code, is amended to  
read as follows:

(b) A provision ballot shall [may] be accepted [only] if the  
board determines that:

(1) [✓] from the information in the affidavit or  
contained in the public records, the person is eligible to vote in  
the election and has not previously voted in that election; and

(2) the person meets the identification  
requirements of Section 63.001(b) at the time the ballot was cast  
or in the period prescribed under Section 65.0541. (CONSERVATIVE  
R'S)

SECTION 18. Subchapter B, Chapter 65, Election Code, is  
amended by adding Section 65.0541 to read as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN  
PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional  
voting under Section 63.001 because the voter does not meet the

C.S.S.B. No. 14

~~identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election,~~

~~(1) present a form of identification described by Section 63.0101 or a temporary license issued by the Department of Public Safety that contains the voter's photograph (LUCIO III) to the voter registrar for examination; or~~

~~(2) execute an affidavit described by Section 65.054(b) (2) (B) in the presence of an election officer at the polling place or (V GONZALEZ) the voter registrar. (CONSERVATIVE R'S - REPLACE)~~

~~(a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not meet the identification requirements of Section 63.001(b) may, not later than the sixth day after the date of the election present a form of identification described by Section 63.0101 to the voter registrar for examination~~

~~(b) The secretary of state shall prescribe procedures as necessary to implement this section.~~

~~SECTION 19. Section 66.0241, Election Code, is amended to read as follows:~~

~~Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope no. 4 must contain:~~

- ~~(1) the precinct list of registered voters;~~
- ~~(2) the registration correction list;~~
- ~~(3) the registration omissions list;~~
- ~~(4) any statements of residence executed under Section~~

63.0011; and

C.S.S.B. No. 14

(5) any affidavits executed under Section 63.006  
[63.007] or 63.011.

SECTION XX. Section 521.124, Transportation Code, is amended  
to read as follows:

Sec. 521.124. TEMPORARY LICENSE [~~ISSUED WITHOUT~~  
~~PHOTOGRAPH~~]. (a) The department may issue a temporary license  
without a photograph of the license holder[+

~~(1)]~~ to an applicant who is out of state or a member of  
the armed forces of the United States[+ or

~~(2) if the department otherwise determines that a~~  
~~temporary license is necessary].~~

(b) A temporary license issued under Subsection (a) is valid  
only until the applicant has time to appear and be photographed and  
a license with a photograph is issued.

(c) Except as provided by Subsection (a), a temporary license  
issued by the department must include the photograph of the person  
to whom the license is issued.

(d) If all application requirements are met, a temporary  
license must be issued by the department on the day of  
application. (LUCIO, III)

SECTION 20. Section 521.422, Transportation Code, is amended  
by amending Subsection (a) and adding Subsection (d) to read as  
follows:



C.S.S.B. No. 14

(a) Except as provided by Subsection (d), the [The] fee for a personal identification certificate is:

- (1) \$15 for a person under 60 years of age;
- (2) \$5 for a person 60 years of age or older; and
- (3) \$20 for a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure.

(d) The department shall [may] DUKES not collect a fee for a personal identification certificate issued to a person who states that the person is obtaining the personal identification certificate for the purpose of satisfying Section 63.001(b), Election Code, and does not have another form of identification described by Section 63.0101, Election Code, and:

- (1) who is a registered voter in this state and presents a valid voter registration certificate; or
- (2) who is eligible for registration under Section 13.001, Election Code, and submits a registration application to the department.

SECTION XX. Section 521.424, Transportation Code, is amended to read as follows:

Section 521.424. DUPLICATE LICENSE OR CERTIFICATE FEE. (a) Except as provided by Subsection (b), the [The] fee for a duplicate driver's license or duplicate personal identification certificate is \$10.

(b) The department may not collect a fee for a duplicate personal identification certificate from a person who meets the

C.S.S.B. No. 14

requirements of Section 521.422(d). (ANCHIA)

SECTION 21. Sections 63.007 and 63.008, Election Code, are repealed.

SECTION 22. Effective September 1, 2011:

(1) as soon as practicable, the secretary of state shall adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111, Election Code; and

(2) as soon as practicable, the county clerk of each county shall provide a session of training under Section 32.114, Election Code, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 23. The change in law made by this Act in amending Section 64.012(b), Election Code, applies only to an offense committed on or after January 1, 2012. An offense committed before January 1, 2012, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before January 1, 2012, if any element of the offense occurs before that date.

SECTION 24. Effective September 1, 2011, state funds disbursed under Chapter 19, Election Code, for the purpose of defraying expenses of the voter registrar's office in connection with voter registration may also be used for additional expenses

C.S.S.B. No. 14  
related to coordinating voter registration drives or other  
activities designed to expand voter registration. This section  
expires January 1, 2013.

SECTION XX. Severability Clause (Borren, Bohad, T. Smith)

SECTION 25. Except as otherwise provided by this Act, this  
Act takes effect January 1, 2012.